## UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

FORTIS CORPORATE INSURANCE, N.V.,	) )
Plaintiff,	) Civil Action No. 07 Civ. 4050 (RWS)(DCF)
- against —	) ) ) NOTICE OF MOTION TO
UNITED VAN LINES, LLC,	) COMPEL DISCOVERY
Defendant.	) ) )
UNITED VAN LINES, LLC,	) )
Third-Party Plaintiff,	) )
- against –	) )
TRW TRUCKING, LLC n/k/a SPORTS ASSOCIATED, INC., and SPORTS ASSOCIATED, INC.	) ) )
Third-Party Defendants.	) ) )

## SIRS:

PLEASE TAKE NOTICE that the undersigned counsel for defendant and thirdparty plaintiff, UNITED VAN LINES, LLC ("UNITED") will move before Hon. Robert W. Sweet, U.S.D.J., at the United States District Court, Southern District of New York at the U.S. Courthouse, Room 1920, 500 Pearl Street, New York, New York 10007 on Wednesday, January 16, 2008 at 12:00 noon, or soon after as counsel may be heard for a Order pursuant to Fed.R.Civ.P. 37 compelling plaintiff to comply with UNITED's discovery requests as follows:

> serve complete verified responses to Defendant's First Set of Interrogatories, (a) dated July 6, 2007;

- (b) serve complete responses to Defendants' First Document Request, dated July 6, 2007;
- (c) serve complete responses to Defendants' Second Document Request, dated November 13, 2007;
- (d) produce the goods that are the subject of this action for inspection on January 25, 2008;
- (e) produce for depositions designated Rule 30(b)(6) representatives of plaintiff and its subrogor pursuant to UNITED's Notice of Deposition, dated, December 12, 2007, and
- (f) pay UNITED's attorney's fees and costs incurred in making the instant motion, and

PLEASE TAKE FURTHER NOTICE that in support of this motion defendant shall rely upon the annexed Supporting Affidavit of George W. Wright, sworn to on January 8, 2008, and Memorandum of Law; and

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: New York, New York January 8, 2008

GEORGE W. WRIGHT & ASSOCIATES, LLC

Attorneys for Defendant and Third-Party Plaintiff UNITED VAN LINES, LLC

Wall Street Plaza

88 Pine Street, 7<sup>th</sup> Floor

New York, New York 10005

(212) 483-8266

TO: David T. Maloof, Esq. Thomas M. Eagan, Esq. MALOOF BROWNE & EAGAN LLC Attorneys for Plaintiff 411 Theodore Fremd Avenue - Suite 190 Rye, NY 10580 (914) 921-1200

## AFFIDAVIT OF SERVICE

STATE OF NEW JERSEY )

(COUNTY OF BERGEN )

GEORGE W. WRIGHT, being duly sworn, deposes and says, that deponent is not a party to this action and is over 18 years of age. That on the 8th day of January, 2008 deponent electronically filed the within Notice of Motion to Compel Discovery, Supporting Affidavit of George W. Wright and annexed exhibits and Memorandum of Law with the Clerk of the District Court using its CM/ECF system, which when then electronically notify the following CM/ECF participants on the case:

David T. Maloof, Esq.
Thomas M. Eagan, Esq.
MALOOF BROWNE & EAGAN LLC
Attorneys for Plaintiff
411 Theodore Fremd Avenue – Suite 190
Rye, NY 10580
(914) 921-1200

GEORGE W. WRIGHT

Sworn to before me this 8th day of January, 2008

Notary Public

DORIS SORAN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 3, 2011